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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and the Estate  
of Bernard L. Madoff,

Plaintiff,

v.

MBE PREFERRED LIMITED PARTNERSHIP;  
MBE GENERAL LLC as the General Partner of  
MBE Preferred Limited Partnership; KENNETH L.  
EVENSTAD REVOCABLE TRUST u/a/d May 2,

Adv. Pro. No. 10-04952 (SMB)

2000 as a Limited Partner of MBE Preferred Limited Partnership; KENNETH L. EVENSTAD in his capacity as Grantor and Trustee for the Kenneth L. Evenstad Revocable Trust u/a/d May 2, 2000; GRACE B. EVENSTAD in her capacity as Trustee for the Kenneth L. Evenstad Revocable Trust u/a/d May 2, 2000; KENNETH L. EVENSTAD, individually; GRACE B. EVENSTAD, individually; MARK B. EVENSTAD REVOCABLE TRUST u/a/d January 30, 2003 as a Limited Partner of MBE Preferred Limited Partnership; MARK B. EVENSTAD in his capacity as Grantor and Trustee for the Mark B. Evenstad Revocable Trust u/a/d January 30, 2003; SHANNON MAHONEY EVENSTAD in her capacity as Trustee for the Mark B. Evenstad Revocable Trust u/a/d January 30, 2003; MARK B. EVENSTAD individually; and SHANNON MAHONEY EVENSTAD individually,

Defendants.

**STIPULATION AND ORDER FOR  
VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants, by and through its counsel, Loeb and Loeb LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and thereafter served the Complaint on Defendants.
2. On January 17, 2014, Defendant served an answer on the Trustee.
3. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181 in Adv. Pro. No. 08-01789 (SMB)], the Parties entered into a Settlement Agreement and Release effective January 25, 2018 (the “Settlement Agreement”).

4. Pursuant to the terms of the Settlement Agreement, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice, without costs to either Trustee or Defendants.

*[the remainder of this page is intentionally blank]*

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

Dated: February 15, 2018

**BAKER & HOSTETLER LLP**

By: /s/ Keith R. Murphy  
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of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**LOEB & LOEB, LLP**

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*Attorneys for Defendants*

SO ORDERED

Dated: **February 15<sup>th</sup>, 2018**  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE